

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA**

IN RE: BDC GROUP, INC., Debtor.	Case No. 23-00484 KEYSTONE SAVINGS BANK'S RESISTANCE TO CROSS-MOTION FOR SUMMARY JUDGMENT
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The Official Committee of Unsecured Creditors (the “Committee”) resisted Keystone Savings Bank’s request for judgment as a matter of law but wrapped into its filing a cross-motion, asking the Court to instead grant relief in the Committee’s favor. Dkt. 306. The Committee’s briefing does not differentiate its opposition from its affirmative request and the Committee did not submit a bar date for objections. Presumably, the arguments are the same and because of that no need for a bar date exists. To eliminate any ambiguity Keystone Savings Bank confirms that it resists the Committee’s request-in-resistance.

For the reasons stated in the Bank’s Motion to Recognize Lien (Dkt. 290), Motion for Summary Judgment and associated filings (Dkt. 291), and supporting Reply (Dkt. 313), incorporated here by reference, the Committee’s position opposes governing Eighth Circuit precedent and Iowa law. The Committee’s cross-request should therefore be denied.

The Bank provides herewith a response to the Committee’s Statement of Uncontested Material Facts. None of the facts stated by the Committee are material, however. The legal issue before the Court is the Bank’s lien upon and secured interest in avoidance actions. The Committee’s statements about its appointment and the contents of the Debtor’s disclosure statement, for example, have no material bearing upon that legal question. *See* Dkt. 306-1 ¶¶ 2-8. Because the Committee does not explain how its statements matter it is sufficient to conclude that they don’t.

WHEREFORE Keystone Savings Bank respectfully requests that the Court deny the Committee's cross-request for summary judgment.

Dated: December 11, 2023

Respectfully Submitted,

SIMMONS PERRINE MOYER BERGMAN PLC

/s/ Abram V. Carls

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ATTORNEYS FOR KEYSTONE SAVINGS BANK

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 11, 2023, a copy of the foregoing document was filed with the Clerk of Court for the United States Bankruptcy Court for the Northern District of Iowa using the CM/ECF system, and served electronically on those participants that receive service through the CM/ECF System.

/s/ Abram V. Carls